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# Indiana Department of Transportation 2017 Title VI Goals and 2016 Accomplishments Report



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# **INDIANA DEPARTMENT OF TRANSPORTATION**

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## **2017 Title VI Goals and 2016 Accomplishments Report**

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## Table of Contents

INDOT's 2017 Goals & 2016 Accomplishments Report .....	5
Program Area Reviews .....	6
General Summary .....	6
2014-15 Summary of accomplishments .....	6
indot has revised its Internal compliance review approach .....	6
indot has adopted new subrecipient monitoring procedures .....	7
indot has revised its title vi implementation plan to meet requirements .....	7
indot has revised and expanded its nondiscrimination training program .....	8
General Program Area ReviEWS .....	8
Program Tasks & Accomplishments .....	10
General 2017 Goals for all Program Areas: .....	10
Division – Specific 2017 Goals & 2016 accomplishments during the REPORTING period .....	11
Integrated Programs Compliance Summary .....	25
Environmental Justice .....	25
Limited English Proficiency & Language Services .....	26
ACCESSIBILITY PROGRAMS .....	26
Public Involvement .....	27
Special Emphasis Program Areas .....	32
LPA Division Action Plan & Accomplishments .....	32
Research Division Compliance REview .....	33
Subrecipient Compliance Monitoring .....	37
Contractor compliance reviews: .....	37

LPA compliance reviews: .....	37
Title VI Training .....	38
complaints of discrimination .....	39
Summary of Complaint ACTIVITY in 2016: .....	39

## INDOT'S 2017 GOALS AND 2016 ACCOMPLISHMENTS REPORT

This report should be read in light of INDOT's Annual Title VI Implementation Plan which outlines INDOT's Programs and Policies that it implements and adheres to ensure its Title VI Compliance. Part of those policies include annual program area reviews, including special emphasis program area reviews, which include data collection and analysis to identify and address discrimination if found to exist, training workshops, subrecipient compliance reviews, and INDOT's complaint policy.

INDOT's Title VI Program Year runs from October 1 thru September 30 annually and mirrors the Federal fiscal year.

This report identifies INDOT's accomplishments during the previous program year, in this case 2016, and establishes goals guided by and derived from data gathered in 2016 and previous years as well as agency input and input from FHWA. INDOT also welcomes public input on its selection of annual goals. Public input may be directed to INDOT's Title VI Program Manager at:

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The following sections identify INDOT's 2016 Accomplishments and 2017 Goals in light of the data reviewed for each area below:

- **Program Area Reviews**
  - Program Areas Included in the Title VI Program
  - Integrated (Cross-Division) Programs Included in the Title VI Program
  - Identification of Special Emphasis Program Areas
- **Subrecipient Compliance Monitoring**
  - Contract Compliance Monitoring
  - LPA / MPO Compliance Monitoring
  - University Compliance Monitoring
- **Title VI Training**
  - Internal Nondiscrimination & Accessibility Training
  - External Nondiscrimination & Accessibility Training
- **Title VI Complaints**

## PROGRAM AREA REVIEWS

### GENERAL SUMMARY

The 2016 annual assessment revealed that INDOT has benefitted from fostering communication between program management and continue informing and educating its internal personnel regarding their Title VI responsibilities and engage its interdisciplinary team more frequently to ensure INDOT is accurately documenting its Title VI compliance efforts. In addition, the program areas analyzed and included as liaisons continue to be evaluated and expanded on an ongoing basis to include more program areas and more integrated representation within the divisions. INDOT continues to expands its internal working group and promote staff awareness and participation. In 2017, INDOT will focus on gathering data in key areas it explored in 2016 now that its subrecipient monitoring program has been fully expanded and is operational.

**Commented [L1]:** Should this be teams – plural?

As a result of changes made to INDOT's Title VI Program, The Federal Highway Administration (FHWA) upon completion of its compliance review of INDOT in 2016 provided notice that INDOT has resolved its deficiencies and was in compliance with Title VI. INDOT continues to implement the changes made to ensure a fully effective and operational agency-wide Title VI program.

### 2015-16 PROGRAM YEAR SUMMARY OF ACCOMPLISHMENTS

The following is a summary of the accomplishments INDOT made in FFY 2015-16 tied to the above FHWA and INDOT goals.

#### INDOT HAS REVISED ITS INTERNAL COMPLIANCE REVIEW APPROACH

INDOT has established a network of Title VI representatives within the agency in order to develop procedures for the collection of statistical data (race, color, religion, sex, national origin, etc.) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities. [23 CFR 200.9 \(b\)\(4\)](#).

This network was developed as a result of a review of prior practices which were evaluated as ineffective in achieving results. After a year of operations under this current approach, it has been observed that there is an increase in effectiveness demonstrated by the following:

- Increased attendance and participation during internal training opportunities.
- Increased dialogue between the program manager and the interdisciplinary team.
- Increase in the number of program achievements and annual goals met.
- Increased awareness of Title VI requirements by and among employees.

INDOT's Title VI Program Manager will continue to review INDOT's program areas to identify Liaisons as well as Program Area Representatives (PARs) who are subject matter experts and/or "front line" representatives in their work area. Those program areas already identified are included in [Appendix A](#).

In so doing, INDOT will be able to ensure comprehensive Title VI program area representation and integration. This ensures that:

- Every INDOT facility with public access and every program area has a PAR to ensure nondiscrimination requirements are met, including the training of INDOT staff within the represented area.
- Title VI liaisons will coordinate with their PARs in each work area to ensure appropriate nondiscrimination data is collected and to analyze that data with the assistance of the Title VI Program Manager in order to determine what action the program area should take, if any, to improve nondiscrimination practices and to eliminate discrimination if necessary.
- Sufficient personnel are in place within the agency to accomplish annual work plans and to ensure nondiscrimination practices and policies are adhered to and fully integrated into INDOT operations.

Key program areas have already had teams established and tasks identified and assigned. Meeting minutes from each program area and/or district meeting are maintained by the Title VI Program Manager as compliance records.

In 2015-16, the liaison approach was tested with positive results. District and program area liaisons responded promptly to Program Management's requests, regularly discussed Title VI during staff meetings, though minutes were not always, but often, kept for these interactions. Liaisons assisted in providing numerous Title VI Training opportunities for INDOT employees and in the resolution of INDOT's Title VI deficiencies. The liaison approach will be continued and expanded upon in FFY 2016-17.

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#### INDOT HAS ADOPTED NEW SUBRECIPIENT MONITORING PROCEDURES

INDOT has developed and implemented a new Title VI Program risk-based subrecipient monitoring process for all subrecipients of federal funds, including LPAs, MPOs, contractors, consultants and Universities. The new process defines:

- How INDOT will prioritize annual subrecipient reviews to be conducted;
- What form the reviews will take;
- When to conduct onsite reviews;
- What documentation will be required from subrecipients;
- What metrics and parameters will determine compliance; and,
- How the reports will be distributed to subrecipients.

These subrecipient monitoring procedures are reflected in INDOT's FFY 2016-17 Title VI Implementation Plan.

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#### INDOT HAS REVISED ITS TITLE VI IMPLEMENTATION PLAN TO MEET REQUIREMENTS

The FFY 2016-17 Title VI Implementation Plan meets requirements as it identifies INDOT's Title VI programs and policies, who has Title VI responsibilities at INDOT, what data and information needs to be collected, analyzed and reviewed and who is responsible for collecting, analyzing and reporting that data with specific tasks and timeframes. In addition, INDOT now separately reports its goals and accomplishments through its annual Goals & Accomplishments Report.

INDOT is committed to using this data to conduct a discrimination analysis and to determine what changes it should make to its practices and policies to address any discrimination it identifies. It demonstrates the state of compliance within INDOT and identifies what work remains to be done, how and by whom, thereby meeting the requirements of 23 CFR part 200 and USDOT Order 1050.2A.

#### INDOT HAS REVISED AND EXPANDED ITS NONDISCRIMINATION TRAINING PROGRAM

INDOT has provided training to all of its Liaisons, Program Area Representatives (PARS) and managers in key program areas since 2015, representing about 250 key staff members. In FFY 2016-17 INDOT will substantially increase its in person, webinar and online training opportunities and work closely with Talent Management to train incoming employees and to provide ample opportunity for the balance of INDOT's staff to receive training. Additional training modules have been developed that can be integrated with Peoplesoft and launched online. In addition, INDOT is more than tripling the number of live training opportunities, providing live training 3 times in each district throughout the year with a webinar attendance option during those live session.

More specific information about INDOT's training materials and those who received training can be found below in the overview of INDOT's Title VI Policies, Practices & Procedures subsection on training. The general workshop training materials used each year will be provided upon request. Many are being made available online also.

#### GENERAL PROGRAM AREA REVIEWS

Program areas are identified and selected for Title VI program participation when it is determined that direct or significantly related Title VI Implications exist or are likely to exist within the program area. All INDOT program areas will be periodically considered and evaluated for participation in the Title VI program. The evaluation will focus on whether or not Title VI implications exist in the program area and will include a periodic review of all state agency directives for Title VI implications. When a program is evaluated for participation, the Program Manager will also ensure all employees in that program area have received basic training on INDOT's nondiscrimination and accessibility policies and practices.

Following an initial review, a program area will either:

- Be tasked with ongoing annual data collection and reporting related to Title VI implications, or
- Be identified as a special emphasis program area based upon:
  - the level of risk within that program area;
  - an ongoing concern (such as a complaint investigation) or concern of a supervisory agency such as FHWA regarding the program area (23 CFR 200.9(b)(6)); or
  -

For more information on program area review practices and procedures, please see INDOT's Title VI Implementation Plan.

For 2015-16, Special Emphasis Program Areas were determined primarily as a result of the Compliance Review of INDOT conducted by FHWA and included:

- INDOT's LPA Division; and,
- INDOT's Research Division and its subrecipient universities.



For 2016-17, Special Emphasis Program Areas will include:

- INDOT's LPA Division; and,
- Implementation of INDOT's revised LEP Plan .

#### PROGRAM TASKS & ACCOMPLISHMENTS

In FFY 2015-16 all program area goals provided a “new” baseline for further determining what Title VI Implications exist and what additional data needs to be collected to further ensure compliance with Title VI moving forward. In FFY 2016-17, INDOT is building off its progress from FFY 2015-16. The general goals below are applicable on an agency-wide basis.

These goals were established based on evidence from the previous year that those programs which received the most training and who conducted regular discussions including Title VI as a topic demonstrated greater progress toward their division specific goals and more regularly approached the Title VI Program Manager with questions and issues related to their work area.

#### GENERAL 2017 GOALS FOR ALL PROGRAM AREAS:

Attend Annual Title VI Program Meeting	Liaison
Conduct quarterly discussions of nondiscrimination issues relevant to the program area. (May occur as part of another program area meeting but should appear on the agenda.)	Liaison
Receive Title VI Training	Liaison & PARs (if any)
Report potential program area Title VI Implications/Potential discriminatory impacts to Title VI Program Manager.	Liaison
Implement INDOT’s revised LEP plan	Liaison & PARs
Adhere to and promote all Title VI—related INDOT Policies	Liaison & PARs

DIVISION – SPECIFIC 2017 GOALS & 2016 ACCOMPLISHMENTS DURING THE REPORTING PERIOD

Legal Division –

<u>2017 Goal</u>	<u>Ownership</u>	<u>Status</u>
Ensure updated nondiscrimination language (which must now include “Sexual Orientation, Gender Identity, and Religion” has been fully integrated into all INDOT form contracts & agreements.	Liaison	Completed review in 2015-16. Spot checking draft agreements in 2016 to ensure language is not being omitted in practice.

**Division Accomplishments:**

In 2016 the Legal Division assisted the Title VI manager in reviewing all contract documents to ensure the required Title VI language was included in each of our contract documents. The Legal Division also considered whether program area representatives were necessary and determined it was not at this time. Part of the basis for that determination is that the Title VI manager is now embedded within the legal division and attends legal staff meetings and team meetings and reports to the Chief Legal Counsel. Therefore, as legal issues may arise from the districts or areas of INDOT operations, the Title VI Program Manager is present to evaluate whether or not there is a Title VI implication arising from the issue or activity. These practices have resulted in an increased number of documents and agreements being presented to the Title VI Program Manager for review and comment.

**Division Goals:**

In 2017 INDOT’s Title VI Program Manager will work with the liaison from this division to spot-check INDOT’s executed agreements to ensure the Title VI language is indeed being executed as intended and as required.

Real Estate Division –

<u>2017 Goals &amp; Tasks</u>	<u>Ownership</u>	<u>Status</u>
Develop and implement a mechanism in LRS to capture demographic data beyond the scope of relocations for this program area.	Liaison & PARs	In process.
Implement policies and procedures for the collection of the above nondiscrimination data into LRS	Liaison & PARs	In process
Review how opportunities to do business with INDOT in this division are promoted and made available and evaluate for discriminatory impacts.	Liaison	Initiating with liaison
Collect and review data related to approved appraisers and buyers who are not INDOT employees to evaluate for discriminatory impacts.	Liaison	Initiating with liaison

**2016 Accomplishments:**

The division representatives met three times with the program manager to discuss ways to gather demographic data similar to that gathered and reported below in LRS for other operations areas of the division (buying, condemnation etc.). In addition, the division representatives discussed the need to evaluate opportunities to do business with INDOT within the division (i.e. as an approved appraiser or buyer).

As a team we began exploring the means to collect and evaluate the data necessary to evaluate these program areas within the division for Title VI implications.

**2017- Goals:**

The division's goals for 2017 will be to:

- Implement changes in LRS necessary to collect demographic data for evaluation of program areas beyond the scope of relocations
  - Data is being collected in LRS for relocations. This process will be mirrored in the Buying program area in FY2018 pending LRS enhancement in 2017.
  - Procedures for collecting the data: Buyers will give non-relocated property owners having \$100,000 and up impact the Title VI/ADA Request for Information form to fill out. Information from completed forms will be put in LRS.

- Coordinate with professional services to evaluate the opportunities to do business with INDOT within the division for Title VI Implications.
  - Current assignment process is to evaluate current workload and consultant availability, geographic location, and determination of skill sets/skill sets needed;
  - Distribute evenly the work among the approved, pre-qualified consultants.

The following report summarizes the information gathered by the Real Estate Division during the reporting period. It supports the tasks identified for 2016-17 identified above which reflect broader data gathering and analysis.

# VI/ADA Reporting Information

Date: 09/20/2016 9:17:17AM

Dates: 10/01/2015 through 09/30/2016

The information is a count for each criterion below during the requested reporting period.

	Appraisers	APA Appraisers	Reviewer Appraisers	Field Check Reviewer
Appraisers:	480	510	468	16
DBE Appraisers:	0	0	0	0
MBE Appraisers:	0	0	0	0
WBE Appraisers:	0	0	0	0
Current number of Appraisers on the approved appraiser list:			123	
Current number of DBEs on the approved appraiser list:			10	
Current number of WBEs on the approved appraiser list:			7	
Current number of MBEs on the approved appraiser list:			4	
Condemnations:			49	
Relocations:			13	
Negotiations:			485	

The following information pertains to relocations.

	Sum of Count	Declined
Hispanics or Latinos	0	0
American Indian or Alaskan Natives	0	0
Asians	0	0
Blacks or African Americans	0	0
Native Hawaiians or Other Pacific Islanders	0	0
Whites	6	0
Females	4	0
Males	2	0
Multiracial or Other	0	0
Age Count <= 21	1	0
Age Count 22-40	0	0
Age Count 41-65	4	0
Age Count > 65	1	0

	Yes	No	N/A
Low Income	5	2	0
Limited English Proficiency	0	4	0
Disability	2	2	0

Displacee chose not to respond to request for information: 4

#### LPA/MPO Division – A Special Emphasis Program Area

<u>2017 Goals and Tasks</u>	<u>Ownership</u>	<u>Status</u>
Improve consistency of communications regarding Title VI and ADA compliance between INDOT and its Subrecipients	Liaison, PARs, Program Management	Initiating in 2016-17 by increasing training and meeting opportunities between central office and district staff.
Develop a submission portal to replace the annual precertification survey in ITAP	Liaison, PARs, Title VI Program Manager	Initiated in 2016, ongoing. Plan to launch in June 2017.
Conduct “Tier Two” reviews of key subrecipients following the desk review of all subrecipients in 2016.	Title VI Specialist, Program Manager	Initiated summer of 2016 with sidewalks grant and Stellar grant applicants, ongoing in 2017.
Continue to develop and promote new resources, training opportunities and avenues for technical assistance	Title VI Specialist & Program Manager	Additional Summit and Boot camp workshops, online office hours, and expanded training opportunities will be provided in 2017 to assist communities in fulfilling their voluntary compliance agreements.

#### 2016 Accomplishments:

In 2016 INDOT launched its subrecipient monitoring program for LPAs, MPO, cities, towns and other Indiana communities who receive federal funding via INDOT. This subrecipient monitoring program is detailed in our Title VI Implementation Plan and includes:

- Annual certification of compliance by the subrecipient.
- Desk reviews of the annual certifications by INDOT.
- Training (many in person sessions and an annual day-long summit) on the compliance requirements.
- Voluntary Compliance Agreements by Indiana communities who are deficient to certify their good faith efforts to resolve their deficiencies with Title VI (and ADA) requirements.
- “Tier Two” reviews of subrecipients who are likely to receive funding or have received funding based upon elevated risk criteria.
- Ongoing development of technical assistance tools, templates, and other resources to promote and facilitate compliance.
- Partnerships with other community organizations focused on improving compliance with nondiscrimination and accessibility requirements.

As a result of this implementation, INDOT desk reviewed 272 annual certifications of compliance made by Indiana communities in FFY 2015-16. Plus an additional 12 communities who requested feedback independent of our survey. As this was the first program year where LPAs were subjected to a compliance desk review, most communities had one or more deficiencies. INDOT submitted correspondence to every deficient community notifying them of their deficiencies and requesting they attend a training session and enter into a voluntary compliance agreement with INDOT in order to remain eligible to receive federal funding.

As of September 20, 2016, over 1/3 (32%) of those Indiana Communities have entered into voluntary compliance agreements with INDOT and are working to resolve their Title VI & ADA deficiencies. 76 communities are now **in compliance** with Title VI, up from 14 who had some sort of nondiscrimination document that referenced Title VI in 2015.

120 communities have ADA current complete Transition Plans verified by INDOT's desk review. IN the past we relied solely upon the representations made by the communities. The remaining communities are making good faith efforts toward compliance. 87 have submitted voluntary compliance agreements and are working with INDOT to demonstrate their good faith efforts to resolve deficiencies in these program areas.

In 2016 INDOT made federal funding available for sidewalk-only projects to local communities. These Indiana communities, as well as our Stellar Grant recipients have been selected for tier-two review of their compliance efforts in 2016-17. This process has already commenced as INDOT has held a web conference with the sidewalk grant applicants to provide basic Title VI training, go over INDOT's expectations, and to inform each community that telephone conferences will be held this fall, beginning in October, to provide specific feedback to each community regarding their program development progress and current policies and procedures.

Compliance reviews for Stellar Grant recipients will commence with the same process (a web conference to cover the requirements and INDOT's expectations) in October of 2016. As a result 20 Indiana communities will participate in a "tier two" compliance review by INDOT in 2016 with an emphasis on "coaching toward compliance."

#### **2017 Goals:**

IN 2016-17 INDOT will work with the LPA division to promote consistent communication with our subrecipients regarding program compliance. We are working to develop a submission portal in ITAP, our online portal where INDOT already collects applications for funding from Indiana communities. This portal will replace the outdated certification survey and provide a place for the LPA to upload their compliance documents and provide annual certification that the information provided is current and accurate.

In 2016-17 we will follow up first with those communities who have not yet entered into a voluntary compliance agreement with INDOT and then by reviewing progress made by those who have. We will continue to provide training and will begin also offering web-based "office hours" for program questions and plan to overhaul our website to make it more user friendly and to promote the numerous resources we have developed this program year.



Contracts, Compliance and Prequalifications –

<u>2017 Goals and Tasks</u>	<u>Ownership</u>	<u>Status</u>
Determine how to capture and evaluate information related professional services contracts for Title VI implications and evaluate this program area	Liaisons, PARs	<b>Complete.</b> Liaisons and PARs are aware of what data needs to be collected. A form has been developed for construction certifications and professional services processes are being reviewed for collection options.

**2016 Accomplishments:**

In 2016, this team coordinated with prequalification to develop and implement a certification of compliance with Title VI to hand out as part of the prequalifications packet. One those certifications are collected, they are delivered to the Title VI Program Manager and specialist for review. Those who fail to certify their compliance are contacted and educated about the requirements. Resources are provided to ensure they are compliant prior to prequalification. The certifications will also be randomly desk reviewed and monitored for accuracy.

In addition, our team began discussing how we might gather and evaluate data related to professional services contracts for Title VI implications. Individuals have been identified to begin developing a process for collecting and evaluating this data in 2017.

**2017 Goals:**

In 2016-17 our liaison will be retiring. When his replacement is hired, we will ensure Title VI training is a part of that process. Our team in this division will begin working on the process for evaluating our professional services contracting procedures and outcomes for Title VI implications in 2017.

Division-wide training for this program area will occur in late November 2016 following new hires at the management level. Our team discussed whether or not there were any vital documents that would require translation per the updated LEP plan and determined that use of the translation request form, which would be translated into the required languages per the safe harbor requirements, should suffice. No language services requests were made in this program area in 2016 and we will continue to evaluate these needs in 2017.

Communications & Public Involvement –

<u>Task</u>	<u>Ownership</u>	<u>Status</u>
Continue to identify vital documents that require translation.	Liaison	Ongoing.
Work with Title VI Program Manager to make language services forms widely available on our internet.	Liaison	Ongoing.
Continue to utilize the public involvement surveys	Customer Satisfaction Manager PAR	Ongoing.
Continue to evaluate the level of compliance of INDOT's website and identify policy and content changes required to make the website compliance with Title VI and ADA requirements.	Website PAR	Ongoing – INDOT is revising its Title VI and Accessibility content in October 2016

**2016 Accomplishments:**

This program area was very active in fully developing INDOT's revised Limited English Proficiency (LEP) Plan. Language services resources have been expanded and include an LEP report form, use of the "I Speak" Cards, a translation request form and may soon include a language line. Our customer service policies were improved by the development of these resources and by providing Title VI training to not only staff in this division, but to front line/reception staff at all of our districts and subdistricts. With a trained staff of "first responders" to complaints and language issues, we can ensure that our policies regarding Title VI complaints and language services needs are being practiced at the local level.

**2017 Goals:**

IN 2017 we will continue to implement the changes to our revised LEP plan including considering which documents are vital documents and should be translated per the safe harbor requirements. We will work to ensure our translation request form is made available on line and in person as required. We will continue to ensure the staff in this division and the front line customer service staff at the district and subdistrict level are trained in Title VI. These goals were created in part as a response to the request from the district staff to clarify Title VI responsibilities of district staff and to provide increased opportunities for training and discussion at the district level.

Traffic: Engineering, Safety, Administration and Design -

<b>2017 Goals and Tasks</b>	<b>Ownership</b>	<b>Status</b>
<b>Ensure copies of all APS studies are provided to the Title VI / ADA Program Manager</b>	<b>Liaison</b>	<b>In Progress.</b> It is now required that District Traffic Engineers provide the Program Manager with copies of all APS studies.
<b>Submit copies of all APS denials to the ADA Technical Advisory Committee for review to ensure adequate documentation &amp; explanation.</b>	<b>Liaison (until delegated)</b>	<b>In progress.</b> The TAC should receive copies of all APS denials.

**2016 Accomplishments:**

In 2016 INDOT revised its APS form to allow more room for APS denials. Training for this program area occurred in November 2015 and we discussed the importance of documenting the basis for APS study determinations. The Title VI Program Manager is to be copied on all APS studies when an APS request is made. We did not receive any APS requests in 2016.

**2017 Goals:**

Our 2017 goal for this program area is to determine how to ensure copies of all APS studies are provided to the Title VI/ADA Program Manager. Annual training provided to this program area will discuss options and ways to ensure we are documenting our decisions related to accessibility in a compliant manner.

#### Research and University Subrecipient Monitoring - A Special Emphasis Program Area

<u>2017 Goals and Tasks</u>	<u>Ownership</u>	<u>Status</u>
Provide technical assistance to Purdue University's Research Division as they consider how to monitor subrecipients of Federal funds.	Title VI Program Manager & Liaison	In progress.
Evaluate the impact of the new submission protocols put in place in 2016	Liaison, Title VI Program Manager	Ongoing.

#### 2016 Accomplishments:

In 2016 a compliance review was conducted of INDOT's Research Division and the JTRP (Joint Transportation Research Program) with Purdue University. INDOT reviewed Purdue University's compliance with Title VI as well as its own program for deficiencies. Training was provided to program management. INDOT's Title VI Program Manager met with both INDOT and Purdue employees to discuss the research program area, identify deficiencies and strategize to resolve them. This was a special emphasis program area and the full report from INDOT's review can be found in the Special emphasis program area discussion on page 31.

As a result, INDOT identified that Purdue is generally in compliance with Title VI, but that the university should develop a plan for monitoring its subrecipients of federal funds. INDOT's research liaison worked to develop ways to expand participation in research projects and to reduce the risk of discrimination by permitting and soliciting broader participation than "by invitation only" methods historically utilized. Changes to the program were made to facilitate open submission of research ideas and participation in the projects by those submitting the ideas. These changes are also outlined in the report on page 31.

#### 2017 Goals:

In 2017 training will again be provided to program area staff. We will discuss how the new changes are working and evaluate their effectiveness in reducing risks for discrimination and/or discrimination impacts. INDOT will provide technical assistance to Purdue University as it determines how to monitor its subrecipients of federal funds. We will continue to evaluate this program area to determine where discrimination may occur, however it will not be a special emphasis program area in 2017.

#### Talent Management–

<u>2017 Goals &amp; Tasks</u>	<u>Ownership</u>	<u>Status</u>
Assist the Title VI Program Manager in providing training new INDOT employees, both new hire and ongoing	Human Resources PAR, Liaison & Title VI Program Manager	Ongoing.
Ensure INDOT University is administered in a nondiscriminatory fashion.	Liaison	Ongoing.

#### 2016 Accomplishments:

In 2016 this division coordinated with Title VI program to provide numerous training opportunities to INDOT employees and to facilitate the registration process for our external Title VI and ADA Training including development of an online training course for INDOT employees developed in conjunction with IVY Tech University. They assisted in the development of training materials and reviewed the INDOT University contract for discrimination.

#### 2017 Goals:

In 2017 this division will work with the Title VI Program Manager to ensure Title VI is a bigger part of new hire training and to support our efforts at regular training for INDOT employees. We will also continue to evaluate our external training programs for discrimination.

#### Operations & Maintenance (includes Facilities & Fleet) -

<u>2017 Goals &amp; Tasks</u>	<u>Ownership</u>	<u>Status</u>
Evaluate maintenance practices & policies for potential discrimination.	Liaison	Ongoing.
Ensure adequate training of Title VI requirements	Liaison, jointly with Contracts Division Professional Services Liaison.	Ongoing.

#### 2016 Accomplishments:

In 2016 this division assisted the Title VI program Manager in providing Title VI training to our subdistrict staff and ensuring the reception and administrative staff in each subdistrict are aware of our Title VI policies and procedures. We discussed title VI implications in this program area and determined that they can be evaluated at the professional services level when we evaluate opportunities to do business with INDOT for discrimination.

#### 2017 Goals:

In 2017 we will work to ensure each subdistrict administrative staff is trained in Title VI and that the required resources are available at each facility. We will work with the professional services division to evaluate the opportunities to do business with INDOT for discrimination.

Design -

<u>2017 Goals and Tasks</u>	<u>Ownership</u>	<u>Status</u>
Continue to ensure design standards and committee decisions do not result in discrimination and adopt remediation measures if necessary	Liaison, PARs	Ongoing.
Continue to Improve awareness of Environmental Justice considerations in design.	Liaison, PARs, Title VI Program Manager	Ongoing.
Ensure updated ADA technical training is provided to all requisite employees	Liaison, PARs, Title VI Program Manager	Ongoing.

**2016 Accomplishments:**

In 2016 we modified our design standards to be in line with the PROWAG. This resolved the risk of discrimination by drifting between PROWAG and ADAAG in our project designs. Training was provided on these standards during road school and the new standard drawings and guidelines make it less likely that construction projects will be designed to the maximum threshold and therefore constructed in a manner that is noncompliant and could result in discrimination.

Training was provided to the design staff on Title VI and Environmental Justice awareness was created through discussion and training. The liaison and PARs for this program area continue to make Title VI a topic of discussion during team meetings.

**2017 Goals:**

Title VI and ADA training will be provided to this program area in November 2016. Members of this program area team will assist the Title VI Program Manager in providing ADA technical training to anyone and everyone at INDOT who needs to know the standards to ensure our facilities are constructed in a nondiscriminatory manner. Training will be provided in each district twice this year, once during the construction conference for construction staff and once during another training session in the district offices. It will be possible to virtually attend these training sessions via webEX conference. Virtual office hours are also being made available by the Title VI Program Manager and this team will provide support in answering technical ADA questions.

Environmental (includes Scoping & Planning)-

<u>2017 Goals &amp; Tasks</u>	<u>Ownership</u>	<u>Status</u>
Determine a record keeping process for all EJ determinations & improve EJ data collection & analysis	Liaison	<b>Complete.</b> This division discussed the various ways we could keep the records and determined that the best possible solution was to create a Milestones Work Product entry. Milestones is a database that INDOT-ESD utilizes to track various work products such as Noise Studies, NEPA documents, etc. INDOT-ESD will track projects that required an EJ analysis through this database by Milestones entry. With this, INDOT-ESD will be able to provide data as needed.
Copy the Title VI Program Manager on all EJ analysis and include the same on meeting invitations to discuss EJ issues.	Liaison	<b>Complete.</b> Program Manager is receiving copies of all EJ analysis.
Expand the awareness and analysis of Environmental Justice issues beyond the NEPA process and into the scoping and planning stages of a project and ensure EJ awareness and monitoring continues through the entirety of each project	Liaison, PARs	<b>Complete</b> (and Ongoing). EJ is being included in other division's trainings and a November 2015 "brown bag" with the environmental division further emphasized this importance.

**2016 Accomplishments:**

In 2016 this program area worked with the Title VI Program Manager to determine how to best maintain records of environmental studies. The best possible solution was to create a Milestones Work Product entry. Milestones is a database that INDOT-ESD utilizes to track various work products such as Noise Studies, NEPA documents, etc. INDOT-ESD will track projects that required an EJ analysis through this database by Milestones entry. With this, INDOT-ESD will be able to provide data as needed.

In addition, the Title VI Program Manager receives copies of all environmental studies and participates in discussions when an EJ population is identified, providing feedback and input throughout the outreach and mitigation process. The division supports the program manager's efforts to ensure that the scope of Environmental Justice is more broadly understood and implemented at the agency level.

As a result of this new level of engagement, the Program Manager has been involved in more discussions related to specific EJ issues and analysis as they relate to INDOT and local projects.

**2017 Goals:**

This division will continue to ensure that its staff is trained in Title VI requirements and we will continue to evaluate the effectiveness of the newly-adopted procedures to expand and monitor environmental justice issues at INDOT.

**District Offices -**

District offices do not have district specific tasks identified but rather participate in the agency-wide goals and program related goals as they apply to district operations. Teams have been identified and trainings have now occurred for all districts' Title VI team members. The general tasks for all program areas will be applied to the Districts to ensure sufficient implementation of Title VI Requirements.

In 2017, the Title VI Program Manager is providing significantly more training opportunities in each district and ensuring remote attendance is possible for subdistrict employees. The Title VI program Manager aims to visit each district at least three times during the year to address both Title VI and ADA program issues and to provide training and answer questions. This will foster relationships between district staff and central office program staff as they relate to Title VI program goals and objectives and ensure that the districts are in compliance with our policy and practice requirements.



## INTEGRATED PROGRAMS COMPLIANCE SUMMARY

Integrated Program accomplishment discussions are appropriate for related requirements that fall under the Title VI “umbrella”. These integrated program discussions include:

- Environmental Justice
- Limited English Proficiency
- Accessibility Programs
- Public Involvement

### ENVIRONMENTAL JUSTICE

There were 678 projects that were analyzed during this time period (Approved NEPA documents from Sept. 1, 2015 to Aug. 31, 2016) for Environmental Justice analysis. Below is a table representing the level of analysis conducted for projects during the reporting period.

NEPA Documents	Total Projects	No EJ Analysis	Analysis, No EJ Populations	Analysis, EJ Populations, No Disproportionately High and Adverse Impact	Analysis, EJ Populations, Impact Minimized/Avoided	Analysis, EJ Populations, Impact Mitigation
PCE	334	334	N/A	N/A	N/A	N/A
CE-1	226	226	N/A	N/A	N/A	N/A
CE-2	81	34	26	21	0	0
CE-3	10	2	6	2	0	0
CE-4	25	13	5	7	0	0
EA	2	0	1	1	0	0

The types of NEPA documents are more involved as the table descends, thus more analysis is required for each type of report. For PCE and CE-1 reports, no analysis is required as there are minimal impacts associated with the projects. No project during the reporting period required an in depth analysis.

There are two active projects being processed as high level CE’s or EA’s that will require some additional analysis to minimize or mitigate the impacts to EJ populations. I-69 Section 6 is currently in development as an EIS that will require EJ outreach. INDOT’s Title VI Program Manager is actively participating in the EJ process for Section 6 as well as an unrelated local project, demonstrating the effectiveness of our improved monitoring procedures and reorganization of the interdisciplinary team.

INDOT’s Environmental Justice Program Area team has been expanded to include membership from the planning and scoping areas. In addition, EJ has been a topic during other program area meetings, such

as the real estate division, with the goal of broadening the awareness and consideration of environmental justice issues beyond the NEPA process.

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#### LIMITED ENGLISH PROFICIENCY & LANGUAGE SERVICES

INDOT received a several requests for language services in 2016. These requests were in relation to INDOT's I-69 project and documents were translated into Spanish and Burmese to accommodate those requests. INDOT has trained many of its front-line individuals (those who answer phones, staff customer service areas, and sit at reception desks) in tracking and responding to requests for language services.

Only one LEP report form was completed in 2016. While INDOT receives few requests, it has revised its LEP plan to adopt the safe harbor requirements and now translates all vital documents into another language when 5% or 1,000 people in an identified community do not speak English very well and speak a specific different language. INDOT also maintains a documents translation request form in key identified languages to ensure that individuals who do not speak English can make effective reasonable requests for translation. This information will be posted on INDOT's new comprehensive Title VI website in 2017.

If INDOT identifies a translation will likely be needed of documents presented during public meetings, INDOT has already taken steps to translate those materials in advance of our meetings, even in instances where there has not been a direct request.

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#### ACCESSIBILITY PROGRAMS

In 2015 INDOT updated its ADA Transition Plan, which for the first time included an inventory of its ADA assets, a prioritization schedule for the remediation of those assets, and a budget for the same. Over 60 employees at INDOT from many divisions were involved in completing the ADA asset inventory and prioritization schedule. 7500+ intersections were included in the inventory with 5 million dollars budgeted for ADA remediation starting in 2016. The ADA Transition Plan was submitted to FHWA in June and is posted online and made publically available.

Now that INDOT is programming ADA –specific projects, it is ensuring that these projects will be constructed appropriately by providing agency-wide ADA technical training in 2016-17. The new design standards have been put into effect and made available and some web-based and in person training related to these standards has already occurred. The Title VI Program Manager regularly meets with Technical Services and Capital Program staff to monitor the progress of the implementation of our ADA Transition Plan.

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## PUBLIC INVOLVEMENT

The number of public involvement surveys received for 2016-17 was 48 (up from 21 in 2015-16): This survey is now available in Spanish and Burmese.

### CATEGORY      REPRESENTATION

Gender:	27 male (56%) 21 female (43%)
Ethnicity:	1 Hispanic or Latino (2%) 47 Not Hispanic or Latino (98%)
Race:	0 Black or African American (0%) 1 Native American (2%) 1 Asian / Pacific Islander (2%) 1 Multi-racial (2%) 44 White (92%)
Age:	4 aged 1-21 (8%) 11 aged 22-40 (23%) 15 aged 41-65 (31%) 17 aged 65+ (35%)
Disability:	6 represented that they had a disability (13%)
Income:	1 represented the income level of \$0-\$12,000 (2%) 2 represented the income level of \$12,001-\$24,000 (4%) 4 represented the income level of \$24,001-\$36,000 (8%) 3 represented the income level of \$36,001-\$48,000 (6%) 9 represented the income level of \$48,001-\$60,000 (18%) 26 represented an income level at or above \$60,001 (54%) 18% of the survey participants did not report an income level.

The office of public involvement update to Erin Hall regarding Title VI public involvement

1. Our office partnered with Language Training Centers to provide translated project materials for INDOT meetings/hearings. During the review period, documents were translated into Spanish and Burmese per request stemming from I-69 Section 6.
2. The Public involvement survey is available on INDOT website via the OPI webpage
3. The Public involvement survey included in project specific mailings routinely sent out by OPI
4. The OPI includes Title VI language in all legal notices

**Public Meetings/Hearings held from Oct. 2015 thru Sept 2016**

**October 2015**

- US 6 Bridge Rehab and road realignment in Brimfield, Noble County 10-22-15 (public hearing)
- SR 26 Rehab in Lafayette, Tippecanoe County 10-27-15 (public hearing)

**November 2015**

- I-69 Added Travel Lanes project in Anderson, Madison County 11-5-15 (public hearing) P3
- I-69 Added Travel Lanes project in Noblesville, Hamilton County 11-12-15 (public hearing) P3
- I-69 Section 6 , Perry Meridian HS in Indianapolis, Marion County 11-30-15 (public information meeting)

**December 2015**

- I-69 Section 6, Mooresville HS, Morgan County 12-2-15 (public information meeting)
- I-69 Section 6, Martinsville HS, Morgan County 12-3-15 (public information meeting)

**January 2016**

- US 20 at Waverly Road, intersection improvement, Town of Porter, Porter County 1-21-16 (public hearing)

**February 2016**

- US 35 in Greentown, bridge rehab project on historic bridge, Howard County 2-4-16 (public hearing)

**March 2016**

- SR 237 Cannelton Bridge rehab and paint project, Perry County 3-31-16 (public information meeting)

**April 2016**

- US 31 at SR 56 Scottsburg, intersection and added lanes project, Scott County 4-13-16 (public hearing)

**May 2016**

- SR 245 added travel lanes project in Town of Lamar, Spencer County 5-5-16 (public information meeting)
- SR 54 at SR 45 Intersection Improvement project, Greene County 5-10-16 (public hearing)
- US 41 added lanes and interchange improvement projects in Evansville, IN and Henderson, KY – Vanderburgh County 5-24-16
- US 41 Added lanes and interchange improvement projects in Evansville, IN and Henderson, KY – Vanderburgh County 5-25-16

**June 2016** – No INDOT public meetings/hearings

**July 2016**

- SR 38 added lanes and intersection improvement project in New Castle, Henry County 7-13-16 (public information meeting)

**August 2016**

- I-69 Section 6 Perry Meridian HS, Marion County 8-15-16 (public information meeting)
- I-69 Section 6 Martinsville HS, Morgan County 8-16-16 (public information meeting)
- US 421 Madison corridor project approach to Milton Madison Bridge in Madison, Jefferson County 8-18-16 (public information meeting)
- SR 37 at Strawtown Avenue Roundabout, Hamilton County 8-23-16 (public hearing)

**September 2016**

- US 50 North Vernon roundabout projects, North Vernon, Jennings County 9-14-16 (public information meeting)

**PLANNED IMPROVEMENT PROJECTS** – projects that did not require a public hearing but did meet minimum criteria for public involvement including publishing legal notices, mailing notices to impacted residents, making preliminary plans and environmental documents available, and required a comment period

**October 2015**

- SR 252 Mitigation project, Shelby County
- SR 105 Slide correction, Huntington County

**November 2015**

- SR 1 Intersection improvement, DeKalb County

**December 2015**

- SR 5 Shoulder repair and rehab, LaGrange County
- SR 38 Bridge Replacement, Madison County
- SR 250 Slide Correction, Jefferson County
- SR 236 Small Structure Replacement, Parke County

**January 2016**

- SR 62 Slide Correction, Dearborn County
- SR 62 Small Structure replacement, Perry County

**February 2016**

- SR 65 Bridge replacement over Goose Creek, Gibson County
- US 50 North Vernon mitigation project, Jennings County
- SR 3 Small Structure replacement, Jennings County

**March 2016**

- SR 130 intersection improvement project, Porter County

**April 2016**

- SR 38 Bridge replacement over Mudd Creek, Madison County

**May 2016**

- SR 13 Small Structure replacement, Hamilton County

**June 2016** – no projects advertised

**July 2016**

- SR 256 road reconstruction and bridge from US 31 to SR 203, Scott County
- US 20 road reconstruction, LaGrange County
- SR 149 at CR 1050 North intersection improvement, Porter County

**August 2016**

- SR 930 intersection at US 27 and Coldwater Road, Allen County
- SR 135 Bridge removal and realignment, Jackson County
- SR 148 Slide Correction and structure replacement, Dearborn County
- SR 2 bridge replacement over Brown Ditch, Lake County

**September 2016**

- US 20 at CR 400 West intersection Improvement with added lanes, LaPorte County

## SPECIAL EMPHASIS PROGRAM AREAS

Additional information is included in this report to demonstrate the additional work accomplished and goals identified for INDOT's Special Emphasis Program Areas. Since the LPA division was a special emphasis area in at least one prior year, both goals and accomplishments will be reflected as part of this discussion. The research division was a special emphasis program area from 2014-16 and was identified as such during the FHWA review period.

Special Emphasis Program Areas will include, in addition to the above tasks:

- Work with the program manager to develop a targeted annual action plan that addresses the objectives identified for the program area in light of the Title VI Implications that make this program area an area of special emphasis. These would include:
  - Conducting discriminatory impact analysis
  - Reviewing and potentially revising policies and procedures that may result in discriminatory outcomes, and
  - Addressing trends or patterns of discrimination identified during a review of the program area.
- Identification and training of sufficient PARs to accomplish the tasks identified in the action plan
- Work with attorneys and/or investigators, who, in addition to the Program Manager, may review policies, practices, data, or other documents to determine whether or not discrimination has occurred, or is likely to occur as a result of the program area and adopt and implement mitigation procedures designed to remedy and address all identified issues.

The goal of identifying special emphasis program areas is to ensure sufficient monitoring of high-risk programs and progress tracking for areas where there exists a material deficiency or discriminatory practice that requires resolution and reporting.

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## LPA DIVISION ACTION PLAN & ACCOMPLISHMENTS

The LPA division received division-specific Title VI Training and met on several occasions to discuss, develop and implement new subrecipient monitoring procedures to ensure compliance with Title VI requirements. These meetings resulted in the development of new subrecipient monitoring procedures included in the 2015-16 Title VI Implementation Plan. In addition, a toolkit (available at <http://www.in.gov/indot/2751.htm>) was developed to assist subrecipients with their compliance efforts and additional targeted training and outreach opportunities were identified. This information is reflected in the training summary portion of this report.

In 2016 the LPA division followed its newly implemented procedures and desk reviewed over 300 Indiana communities. Technical assistance was provide in several forms: an all-day training summit, multiple in person and online training opportunities, and the development of resources and templates, including a new Title VI Implementation Plan Template.

INDOT surpassed its goal to conduct 4 "tier two" compliance reviews and is conducting those reviews with ten sidewalk grant applicants and six of our current and previous Stellar Grant recipients as well as



coaching key communities impacted by the I-69 project toward compliance. Our progress is detailed on pages 14 & 15 of this report.

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#### RESEARCH DIVISION COMPLIANCE REVIEW

In 2014 a FHWA review of INDOT's Title VI Program identified several areas for a focused review. INDOT's research program and the Title VI compliance of its primary research partner, Purdue University, were two of those areas identified for review. Purdue University was identified because it is a subrecipient of Federal Funds. Several Title VI implications were identified for review:

- INDOT is required to monitor Purdue University for Title VI Compliance as a subrecipient of federal funds.
- The research program creates opportunities to do business with INDOT / Purdue University and INDOT should review whether program participation and the solicitation for participation is broad enough to ensure discrimination does not result.
- INDOT needed to provide training to program staff and establish a liaison network within the program area to address any Title VI concerns which might arise.

#### The Review Process

The initial meeting to discuss the Purdue University and INDOT Research Division/Joint Transportation Research Program (JTRP) Title VI Compliance Review took place August 18, 2015 via teleconference with INDOT and Purdue representatives attending. During that meeting INDOT Title VI program management discussed INDOT's agreement to conduct a compliance review of the program area(s) as part of its voluntary compliance agreement plan (VCAP) with Federal Highway (FHWA).

Prior to meeting with individual representative for each part of the program area(s), it was determined that INDOT's TITLE VI Program Manager would provide an overview of the Title VI requirements and Title VI Training to JTRP staff during a JTRP board meeting.

A follow up conference occurred on October 15, 2015 whereby it was decided INDOT's Title VI Manager would present training materials and conduct a Title VI discussion during the JTRP Board meeting on November 4, 2016. During the conference INDOT Program management communicated the importance of Title VI being part of program area meeting agendas to afford employees the opportunity to raise and discuss Title VI concerns and ensure general awareness of Title VI requirements.

On October 9, 2015, INDOT Title VI Program management discussed Title VI requirements with Debbie Horton, the JTRP representative participating in INDOT's review. Debbie identified Alyssa Christmas-Rollock as Purdue's Title VI Coordinator and INDOT drafted and submitted its compliance review notice to Ms. Rollock.

During the program area training session, the Title VI Program Manager discussed the requirements of Title VI compliance, specifically those related to the program which included:

- Training and awareness of all INDOT / Purdue University Title VI Policies

- Fairly extending/advertising and otherwise promoting the opportunity to do business with INDOT/Purdue University as related to the JTRP/Research Program Area.
- Monitoring any further subrecipients of federal funds.

Additionally, INDOT's Title VI Program Manager traveled to Purdue University to meet with Debborah K. Horton, JTRP Managing Director, Purdue University, to understand and evaluate the JTRP Program. During that meeting and upon a review of the materials presented in response to INDOT's notice of compliance review by Purdue University, it was determined that INDOT is primarily responsible for selection of universities and others who will conduct research and participate in research projects and, since the contracts themselves are between Purdue University and subrecipients, Purdue University is primarily responsible for monitoring subrecipients for compliance with Title VI.

#### **Discussion & Review**

Purdue provided documentation and links to documentation as part of its response to INDOT's notice of compliance review that demonstrated the following:

- It has a Title VI Program Manager identified by name who has received and conducts nondiscrimination (and accessibility training) for Purdue University employees.
- It has a nondiscrimination policy and complaint policy and forms, though no Title VI complaints have been received.
- The assurances of nondiscrimination were signed as part of the agreement between INDOT and the university ("The JTRP Executed Agreement" dated 2013)

Purdue has not monitored subrecipients of federal funds for compliance with Title VI, although the assurances themselves are part of the agreements. Typically there are only a handful of active contracts. As part of this review it was communicated to the Purdue JTRP program staff that this is a deficiency and Purdue is responsible for monitoring subrecipients for compliance.

INDOT will continue to provide:

- Annual Title VI training opportunities specific to the JTRP program practices and policies; and
- Will communicate quarterly with program area liaisons from INDOT and Purdue University regarding Title VI issues.

In addition, discussions with INDOT/JTRP Research Program staff resulted in an expansion of the opportunities to do business with INDOT by further opening the door to and promoting a broader spectrum of participation in INDOT Research activities.

INDOT's Research Program, prior to 2016 changes, conducted business primarily as follows:

- Research needs and/or ideas could be submitted by anyone (INDOT, university, or member of the public) but this was not as broadly advertised as it is now with a submission link on INDOT's website.

- INDOT is responsible for identifying research needs (or acknowledging a submitted research idea as fitting a need). As part of this process brainstorming groups were created by INDOT invitation only. Now INDOT has moved toward a peer group approach whereby liaisons are created for the purposes of needs identification and anyone can submit an idea and participate in the process. INDOT retains the responsibility of prioritizing research needs
- Once a need is identified, a principal investigator is identified, which is often the source of the idea, who would then submit a proposal to the JTRP executive committee. If a need is identified by an institution or individual without sufficient expertise or resources, a co-principal investigator may be identified, which would allow the institution submitting the need or idea to remain a principal investigator and participate in the research. INDOT, Purdue and FHWA work together as part of this process. A Study Advisory Committee (SAC) is often formed to help flesh out the ideas submitted as proposals.

The following changes have already been implemented to promote broader (less “by invitation only” participation opportunities) and, where invitations to participate are warranted, the invitations themselves have been expanded. INDOT will continue to monitor how the following changes impact Title VI program objectives during the 2016-17 program year.

The following are the recent Title VI-related changes to the INDOT /JTRP Research Program INDOT has implemented in 2016:

- INDOT extended broader invitations to the “poster sessions”.
  - A poster session is an opportunity for students, staff and faculty from a number of educational institutions to engage directly with INDOT personnel from across the state on a wide variety of transportation-related topics.
  - For the February Poster Session, INDOT invited 8 Civil Engineering Department Heads from a broader spectrum of Indiana universities. 5 universities ultimately participated.
- INDOT’s Research Division worked together with INDOT’s Office of Communications to:
  - post peer group liaison contact information or a designated contact for submission of research ideas /needs on INDOT website; and
  - post identified research needs and contact person on the INDOT website for accredited Indiana colleges and university faculty to broaden program awareness and/or potential involvement for those with subject matter expertise.
    - These changes make it easier for anyone with interest to contact INDOT’s Research Division directly. Several conference calls have already occurred resulting in program participation from a broader spectrum of qualified participants.
    - These changes benefit the research program by broadening the scope and thus, the potential, for submission of research proposals. A link for “Submission of Research Ideas” has been added to INDOT’s webpage: <http://www.in.gov/indot/2404.htm>
    - The link also supports identification of innovation and research needs and ideas. This allows external faculty and others to view identified research

**Commented [TL2]:** Would a footnote of the names of the 5 participating universities be appropriate?

needs and their status. The project information will be updated periodically. Viewers can contact the Research Division for follow-up information about a project or potential participation.

- The annual revision of the program areas' users' manual will incorporate these processes and include Title VI information
- Title VI continues to be an agenda item at JTRP board meetings and INDOT's Title VI manager will continue to attend at least one meeting annually to address Title VI issues and provide training to board members.

### Outcomes

As a result of its Title VI review of the INDOT/JTRP Research Program, as well as a review of Purdue University's Title VI compliance as it relates to the aforementioned program areas, INDOT was able to determine the following:

- Sufficient modifications to the program are in place to ensure INDOT does not discriminate in its selection of research program participants.
- Sufficient training and Title VI awareness protocols are in place to ensure Purdue and INDOT staff receive Title VI training annually and are made aware of Title VI policies and requirements, as well as regularly afforded the opportunity to discuss Title VI issues and/or concerns.
- Purdue/JTRP are generally in compliance with Title VI requirements, deficient only in that they have not engaged in subrecipient monitoring as it relates to JTRP contracts. The JTRP program is working on resolving this deficiency moving forward as it determines how best to engage in subrecipient monitoring. INDOT will follow up with the program liaisons in 2016-17 to ensure good faith efforts are being made to address this deficiency.

**Commented [TL3]:** This is what we've called it throughout. Unless you are referring to the Purdue R&D division, and in that case, you should put that.

## SUBRECIPIENT COMPLIANCE MONITORING

This program area was a special emphasis program area in 2015-16. New processes were implemented to greatly improve our subrecipient compliance monitoring efforts. The results are detailed on pages 14-15 of this report and summarized below.

### CONTRACTOR COMPLIANCE REVIEWS:

Of the nine (9) contractors reviewed by the end of September, all were able to come into compliance during the review period or are within their timeframe for resolving deficiencies. Common deficiencies initially observed during reviews and/or discussed during training continue to be Title VI training for the subrecipient and further subrecipients, workforce utilization reports, and the inclusion of the Title VI assurances in all subcontracts. In addition to these compliance reviews, many contractors brought their Title VI materials to the training workshops for discussion and received input on areas for improvement during those sessions.

Attendance at training in the districts has decreased now that the Economic Opportunity Division no longer participates in our training days. We will reevaluate how we provide training and technical assistance to these subrecipients in 2017. We were able to implement a precertification process as part of the pre-qualifications packet to better gauge compliance with the requirements.

### LPA COMPLIANCE REVIEWS:

Over 300 Indiana Communities who are or who are likely to become subrecipients of federal funds have been reviewed to determine the level of compliance with Title VI and ADA requirements. Common deficiencies include failure to include Title VI information on the LPAs website or make it otherwise publically available and failure to develop a Title VI implementation plan. More than half of these LPAs have now entered into voluntary compliance agreements with INDOT or are in the process of entering into agreements to resolve their deficiencies.

In 2017 INDOT is following up with those communities who have not adequately responded to our requests to resolve deficiencies. We are also conducting second tier reviews of those communities who have specifically applied for sidewalk funding or were awarded a Stellar Grant.

Most LPAs now have a nondiscrimination policy, grievance procedure and complaint log, and ADA Transition Plan. Based upon the preliminary results, most of the LPAs reviewed have already received and responded to a deficiency notice for deficiencies in one or more program areas. Lack of Title VI Implementation Plans continues to be the most common deficiency in 2016.

Additional day-long training summits, online training opportunities, shorter in person seminars and virtual office hours are being implemented in 2017 to continue coaching our Indiana communities toward compliance and meeting our own subrecipient monitoring objectives.

## TITLE VI TRAINING

INDOT scheduled ten (10) audience-specific nondiscrimination and accessibility training sessions during 2016 (up from 8 in 2014-15). During each of these training sessions, a separate workshop is held for contractors and consultants, LPAs & MPOs, and INDOT employees. In 2017 INDOT plans to travel to each district at least three times during the year to provide training and technical assistance to our district and subdistrict staff related to Title VI and ADA compliance.

Within the past two (2) years INDOT has held seventeen(17) program-area specific workshops for INDOT employees in the following program areas: LPA division, Contracts, Design, Technical Services, Environmental, Appraising, Buying, Operations & Maintenance, Legal, Construction, Research, INDOT Subdistricts, and the Economic Opportunity Division (who piloted an online training module developed for INDOT staff).

The following numbers of individuals received nondiscrimination and accessibility training and/or technical assistance since 2014 is:

INDOT Employees:	320
INDOT Subrecipients:	
LPAs / MPOs:	248
Contractors :	174

In 2017 it is INDOT's goal to train a majority of its employees not trained since 2014 in Title VI compliance. This training may be in person during a peer group meeting, conference, or other learning opportunity or may occur through use of INDOT's online employee training module.

INDOT plans to hold additional Title VI training sessions in 2017 in each district (specific dates will be posted online at <http://www.in.gov/indot/2751.htm> when they are scheduled) as well as online. INDOT will repeat its Title VI Summit and provide a similar opportunity for ADA. INDOT will provide staff training opportunities 3 times each year in each district and in central office and provide a virtual attendance option where practical.

## COMPLAINTS OF DISCRIMINATION

INDOT has a compliant policy for complaints of discrimination related to Title VI and will promptly investigate all properly submitted complaints of alleged discrimination. This policy can be found in [Appendix C](#). INDOT will also attempt to resolve such complaints and take corrective action upon a finding of a substantiated complaint. Within 60 days of receiving a complete complaint, INDOT will submit its final investigative report to FHWA. INDOT's complaint process provides a procedure for appeal of all unsubstantiated claims of discrimination. INDOT maintains a complaint log for three (3) years of all complaints received.

### SUMMARY OF COMPLAINT ACTIVITY IN 2016:

INDOT investigated two Title VI complaints during the reporting period. One complaint was not against INDOT directly, but INDOT was responsible for investigating the complaint. The complaint against INDOT was related to INDOT I-69 project through Martinsville and was forwarded to FHWA for review with INDOT conducting its own internal review concurrently. The average case age before closure for each complaint or inquiry received has historically been nine days. In this case the full time period was allotted for investigation and review.

INDOT also received several ADA complaints related to curb ramp repairs and adjustments in 2016 and has addressed or is addressing those complaints to resolve the underlying issues with each ramp. Those complaints were related to INDOT assets located in Columbus, Indiana.